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No. 13 Board of Water Well Contractors January 1993

BOARD MEMBERS

Wes Lindsay, Chairman/Industry Member
Ron Guse, Vice Chairman/DNRC Member
John Arrigo, DHES Member
Bob Bergantino, MBMG Member
Pat Byrne, Industry Member

Bob Rudio, Program Manager

NEW BOARD MEMBER

In July 1992 Pat Byrne was appointed by then Governor Stephens as a drilling industry representative on the five-member Board of Water Well Contractors (BWWC). Pat replaces longtime board member Bill Osborne. Pat, who with his brother owns Pat Byrne Drilling Company of Great Falls, has been in the water well and monitoring well contracting business since 1963. He graduated from Montana State University (MSU) in 1974 with a B.S. degree in Animal Science. He will serve a three-year term on the board.

NEW PROGRAM MANAGER

Bob Rudio was hired to replace Diana Cutler Day as program manager for the BWWC. Bob brings to the position experience as a consulting geologist, monitoring well driller, and project drilling supervisor for mining exploration. He has a B.S. degree with a major in Geology from MSU, graduating in 1960, and was formerly the Hardrock Bureau Chief for the Montana Department of State Lands. Bob was also a partner in an environmental engineering firm, Westech, Inc., and has worked in the Department of Natural Resources and Conservation (DNRC) for the past three years as an environmental specialist for the Water Resources Division.

NEWS NOTES

- Bill Osborne reluctantly resigned in July at the end of his BWWC term due to health reasons. He served the board for **many** years and was active in both state and national drilling associations. Bill's wise counsel will be missed by the board.
- Diana Cutler Day resigned this summer from her longtime position as program specialist for the BWWC. She developed the procedures for licensing and rule making through the difficult period of implementing the legislative mandates to license the well-drilling industry. After a summer wedding, Diana moved to Harlowton to join her husband and pursue a cosmetics business. Diana's experience will be missed by the board.
- The Water Resources Division of the DNRC recently reorganized to create the Water Operations Bureau, which includes administrative support for the BWWC. Laurence Siroky, formerly the division's assistant administrator, was named bureau chief of the new bureau. The Water Operations Bureau will provide administration and regional office assistance for the BWWC as well as several regulatory functions, including floodplain management and dam safety. Laurence has been with the DNRC since 1972 and brings both engineering and administrative experience to the position.

PROPOSED LEGISLATION

The BWWC will have legislation introduced in the 1993 session to allow show-cause hearings to be heard before the BWWC, rather than requiring contested-case hearings during the initial stages of resolving complaints that come before the board. The procedure would allow the board to judge the issues between parties by hearing both sides of the complaint and resolve the dispute before it becomes necessary to enter into a costly and lengthy contested-case hearing process. This procedure would allow both the complainant and the drilling contractor to present arguments to the board without legal counsel or a hearings examiner. The legislation, which is supported by all board members, would give the board flexibility to resolve the complaints.

The DNRC will have legislation introduced to implement a portion of the 1992 State Water Plan to require both water well contractors and monitoring well contractors to inform the DNRC of their drilling locations on a rotation basis and to require the contractors that are under BWWC disciplinary action to inform the DNRC of all drilling locations. This concept has been discussed many times, but has not been introduced as a bill — at least not in this format.

NEW LICENSEES

The BWWC welcomes the following persons who qualified to take the exams since July 1992 and successfully passed the tests:

1. Water Well Contractors/Monitoring: *Ken Gustafson, Kevin Sorenson, Chester Graham, Jerry Huggett, Marvin Jewett, Dan Allred, Dave Scoggins, Ben Boland, Kelly Castlio, Leo Grossman, Darren Hunter, Tom Nowak, Joe Stotko, and Russ Pearce*
2. Monitoring Well Constructors: *David Hand, Dan Duran, David Crowley, H. C. Herrick, and David Rise*
3. Water Well Drillers: *Andy Roberts, Loren Webster, and Doug Beck*

Four persons failed the exams.

HOW MANY DRILLERS ARE LICENSED BY THE BWWC IN MONTANA?

There are 162 water well contractors, 117 of whom also have monitoring well constructor's licenses. An additional 93 persons are licensed as monitoring well constructors. Another 28 well drillers work for contractors. A total of 283 persons are licensed. These figures are current as of January 1, 1993.

BOARD DISCIPLINARY ACTIONS

Two contractors completed their one-year probation period without incident, and their licenses were restored to good standing. One contractor remains on probation and is required to report every rig location to the nearest DNRC regional office. One contractor on probation did not renew his license for the 1992-93 year. **The board revoked the license of James Christian, dba/Bearcat Drilling and Pump Company, for incompetence.** Christian may appeal the board's decision.

COMPLAINTS

In the first six months of the 1992-93 license year the BWWC received 28 complaints. Eleven of these were reviewed and investigated by the board. The BWWC spends about 60 percent of its time investigating complaints. The categories and percentages of complaints are as follows:

1. Failure to develop water - 52%
2. Deep-holing or overbilling - 20%
3. Silty or dirty water - 6%
4. Well stopped producing or pump problems - 6%
5. Aquifer mixing problems - 5%
6. Not sealing the upper 18 feet properly - 5%
7. Other construction violations - 6%

The board also received reports of three unlicensed drillers working in Montana, and investigations are in progress on the reports. The BWWC will pursue criminal charges against unlicensed drillers.

CONTINUING EDUCATION

Four hours of continuing education (C.E.) credit are required for license renewal in June 1993. C.E. credit for attendance at BWWC-sanctioned professional seminars is available. All licensees will receive four hours of continuing education credit for attending any of the following events:

1. NWWA Convention - Las Vegas, Nevada, October 15-19, 1992
2. MWWDA Annual Convention - first week in February 1993 in Helena
3. Mountain Supply Pump School - Missoula, March 2, 1993, Holiday Inn, South Pattee Street - Bozeman, March 4, 1993, Grantree Inn, 7th Avenue
4. Baroid Mud School - Billings, March 18, Ramada Inn-Kalispell, March 25, Outlaw Inn
5. Minex/Johnson Well Screen Demonstration - Kalispell and Billings - dates pending
6. Red Jacket Pump School - not yet scheduled

All attendees must fill out the C.E. cards provided and send them to the BWWC to receive credit. Locations and times are available at the BWWC office; call 444-6643.

WATER WELL LOGS

Failure to completely fill out the DNRC water well log remains a troublesome problem for the BWWC. Contractors are required by law to provide the log to both the well owner and the DNRC regional office within 60 days of well completion. The log is necessary for the well owner to get a water right and for the DNRC to record the well and monitor state aquifers. Lack of accurate well location, missing pump test data, and poor descriptions of equipment and materials are the major shortcomings of the logs that are returned to the contractor for corrections.

VARIANCES

The BWWC granted five variances from the construction standards in 1992. Three requests were for rehabilitating old wells where new casing was set around old casing and sealing could be done to only about 10 feet rather than the required 18-foot depth. Two requests were granted along the Yellowstone River valley where shallow aquifers (12 feet to 18 feet below the surface) prevented meeting the sealing standard. The BWWC reasoned that it was better to have a licensed contractor construct the shallow wells and seal the surface casing rather than to deny the request only to find that the landowner can use a backhoe to dig a well and potentially expose the aquifer to surface contamination.

AQUIFER PROTECTION

The State of Montana recognizes the role of water well and monitoring well contractors as the front-line defense in protecting the shallow aquifers throughout Montana's river valleys. Nine years of persistent drought in most of Montana is definitely affecting groundwater levels in some areas. The increasing demand for water wells is creating difficulty in developing sufficient water in wells. Contractors need to be aware that groundwater reservoirs have been continually depleted by the drought and demand. A drill hole is a direct access to the aquifer, and drillers need to be careful to follow the sealing rules when developing a well. When an aquifer becomes contaminated, there is no usable water and, thus, there is no well-drilling business.

LAND RUSH

The fastest growing areas in Montana are the Flathead Valley and the Gallatin Valley. Subdivisions and building permits have increased at a fast pace in these areas and are reflected in the booming building trades as well as the water well business. Demand on the underlying groundwater resource is growing at the same pace.

BWWC vs. DNRC

What is the difference between the Board of Water Well Contractors (BWWC) and the Department of Natural Resources and Conservation (DNRC)?

The BWWC is attached to the DNRC for administrative purposes only. The BWWC is a quasi-judicial board, meaning that it can issue and suspend or revoke licenses as well as promulgate rules and regulations. It can investigate complaints and hold administrative disciplinary hearings. In 1985, the BWWC was transferred by law from the Department of Commerce to the DNRC to allow the BWWC to use the hydrogeological services of the DNRC in its investigations. Further, the legislature felt that the BWWC would benefit by using the DNRC's regional offices for investigation of complaints. This procedure saves the BWWC costs in staff and services and ultimately keeps license fees lower.

Water well contractors are required by law to submit well logs to the DNRC regional offices because that is where the water rights are issued. The BWWC gets only logs that are improperly filled out (for correction) and monitoring well logs.

CONVENTION

The 48th Annual Convention of the Montana Water Well Drillers Association will be held February 3, 4, and 5, 1993, at the Colonial Inn in Helena. Topics discussed will be solar pumps, computer use, grouting and abandoning wells, and new products. Bob Bergantino, a BWWC member, will speak on "Montana Tech and the Drilling Industry." Entertainment and awards will be provided. Continuing education credit will be awarded to all licensees who fill out and return cards to the BWWC. Further information is available from Vickie Lautt, MWWDA, 406-665-3304.

HISTORICAL BOARD MEETINGS

The second meeting of the Water Well Contractors' Examining Board was held on September 25, 1961, at 10:00 A.M. in the State Board of Health Building. Those present were Mr. Fred E. Buck, Chairman; Mr. C. W. Brinck, and Mr. Bert Van Dyken.

Mr. Brinck made a motion that the following persons, having sent checks for $100, are approved for a license under the "Grandfather Clause": Bert Van Dyken, Clyde Sando, LeRoy Johnson, Earl Drane, Glenn Camp, Milton Jones, George Singley, Homer McClarty, Carl Hollensteiner, Henry Johnson, Floyd Higgins, Joseph Kerkvliet, and R. C. Simpson. The motion was seconded by Mr. Van Dyken and passed by voice vote. Recorded by: Mary Louise. Date: September 25, 1961.

TRENDS

- In Montana, regulatory attention has turned to locating and analyzing pollution problems that range from reclaiming old mine wastes and tailing ponds to cleaning up hazardous wastes and fuel spills. Monitoring well techniques are important tools in the analysis, and this business is increasing with the advanced technology in monitoring and recovery.

- One of the fastest growing industries in the northern states is heat pump installation. Closed-loop heat pump systems have proven to be economical heat sources for both office buildings and ordinary homes. Currently, the most effective method is circulation of refrigerant-like fluids at depths from 12 feet to 300 feet through special plastic pipe and extraction of the heated fluid in designed heating systems (reverse-refrigeration). This system does not extract water from the ground and is not regulated by the BWWC at this time. Open-loop systems that extract water for the same purpose are regulated as water wells, and a licensed water well contractor must perform the drilling work.

NEW PRODUCTS

Well screens have been routinely used in the industry since the early 1960s and are manufactured by several reputable firms. One product that came to our attention is a pre-packed screen made by Johnson Well Products. This gravel-packed screen is capable of filtering micron-sized silts that cause dirty water problems in wells from the glacial gravels of major aquifers in western and northern Montana. The screen allows 3 gallons per minute of flow per foot of screen and is easily connected to a PVC liner. This product is distributed by Minex of Bozeman, the manufacturer's representative for Montana. Minex plans to have seminars and demonstrations of this product for Montana drillers soon and has received BWWC approval for C.E. credit for attending the demonstrations.

For further information
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